

## CITY OF LYNN

**Regular City Council Meeting – May 24, 2016  
Council President Daniel F. Cahill, Presiding**

### **Eleven Councillors Present**

**Moment of Silence.** Councilor Cyr asked that the family of Officer Ronald Tarentino, Jr. be remembered. Councilor Colucci asked that Charlie Gaeta have a speedy recovery, and Council President Cahill asked to remember all those who are being honored on Memorial Day.

**Pledge of Allegiance**

**Motion made by Councillor Lozzi and seconded by Councilor Capano to accept the Meeting Minutes of May 3, 2016.**

**Motion carried.**

Presentation by MAPC on possible municipal energy aggregation plan.

**Motion made by Councilor Lozzi and seconded by Councilor Capano to refer to the Solicitor's Office and ISD and report back to the City Council with their findings.**

**Motion carried**

## **COMMUNICATIONS:**

### **Communication from Her Honor the Mayor:**

Dear Councilors:

I respectfully request that your Honorable Body schedule a Public Hearing for consideration of the Fiscal Year 2017 City of Lynn Budget.

Sincerely, Judith Flanagan Kennedy, Mayor

**Motion made by Councilor Trahan and seconded by Councilor Capano to set down for Public Hearing on June 14, 2016.**

**Motion carried.**

### **Communication from the Lynn Police Department, Michael Mageary, Deputy Chief:**

Dear Councilors:

*The Police Department has been designated by the Mayor's Office to apply for funding under the FY2016 Edward Byrne Justice Assistance Grant. This grant may be used for any law enforcement or justice initiative previously eligible for funding under the Byrne or Local Law Enforcement Block Grant programs.*

*We are eligible to receive up to \$67,974.00 to fund law enforcement and/or justice initiatives. There is no local match requirement for this grant. If received, these funds may be expended over a four year period.*

*This application needs to be submitted by June 30, 2016. We intend to use these funds as we have in previous years by allocating the funds to Lynn Juvenile Probation for communications; to Lynn Adult Probation for equipment to support their community policing activities; to Lynn Housing and Neighborhood Development to assist them in continuing their Summer Jobs Program; and the remainder to continue programs within the Police Department. Department programs include gang intervention and investigation, maintenance of computer equipment, hardware and software upgrades and Data-Vis, an analytical program used to assist in the operation of the police department. This grant will help us continue to make Lynn a safer and more desirable community for all of its citizens.*

*Sincerely, Michael Mageary, Deputy Chief*

**Motion made by Councilor Barton and seconded by Councilor Trahant to grant.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

## **PUBLIC HEARINGS:**

Petition of Dreams Nail Lounge, LLC, Yajaira Toribio, for permission for wine and malt pouring license for Nail Salon at 592 Essex Street.

The following appeared in Favor:

Yajaira Toribo, Owner

The following appeared in Opposition:

Steven Haberek, Lynn Police Department

Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Lozzi to TABLE.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of Margarita Rodriguez, for permission for a Food Establishment with 20 seats at 141 Essex Street, Monday through Sunday, 7 am to 10 pm.

The following appeared in Favor:

Margarita Rodriguez, Owner

The following appeared in Opposition:

Letter received from Manuel Nunez in Opposition.

Public Hearing Closed.

**Motion made by Councilor Cyr and seconded by Councilor LaPierre to grant the prayer of the Petitioner with the stipulation that they have a dumpster with a cover and that the dumpster is emptied twice a week.**

**Motion carried by the following yea and nay vote:**

**10 YES 1 NO (Councilor Barton voting NO).**

Petition of Casa Amelia, Amelia Reynoso, for permission to sell Wine and Malt at existing Restaurant at 183 Lewis Street. Hours of Operation 10 am to 10 pm Mon-Sun.

The following appeared in Favor:

Amelia Reynoso, Owner

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Cyr and seconded by Councilor Colucci to grant the prayer of the Petitioner.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Public Hearing to allow public input to the city's Fiscal Year 2017 Annual Action Plan, including the use of the Department of Housing and Urban Development's appropriations for the Community Development Block Grant, Home Investment Partnership Grant and the Emergency Solutions Grant.

The following appeared in Favor:

Donald Walker, Office of Economic and Community Development

Public Hearing Closed.

**Motion made by Councilor Colucci and seconded by Councilor Trahan to grant.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Continuation of the Public Hearing on Proposed Ordinance to Amend the Zone Ordinance to Establish a Medical Marijuana Overlay District in the City of Lynn. Council President Cahill stated that the Council invited Chief Kevin Coppinger of the Lynn Police Department and Chief James McDonald from the Lynn Fire Department to speak.

Council President Cahill then opened the Public Hearing:

No one appeared in Favor.

The following appeared in Opposition:

Jeffrey Yoffa, Lynn

Mr. Nunez, South Street, Lynn

George Essery, 18 Walden Street, Lynn

Lisa Wallace, Lynn

**Motion made by Councilor Cyr and seconded by Councilor Trahan to continue the Public Hearing to June 14, 2016.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

## **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Cherry Picking Properties, Karriem Cherry, for permission for a sign permit at 1 City Hall Square, Suite 9, pursuant to Section 9.A Motion Signs. (Chakoutis)

-Petition of McGrath Realty Trust, Patrick J. McGrath, for permission to construct four (4) single family Row Houses in a Light Industrial District at 691 Summer Street. (Walsh)

-Petition of Family Corner Grocery & Multiservice, Jose Tineo, for permission for the sale of beer and wine at an existing convenient store at 624 Boston Street. (Walsh)

-Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Central Square & place new vault/manhole. From new vault/manhole, place (1) 4" pvc conduit 20' +/- in a Northerly direction to property of 37 Central Square. (Chakoutis)

-Petition of National Grid, Rafael Panos, for permission to install underground siphon service from Pole 12, Grant Road, 6' +/- in a Southwesterly direction to the property line of Lot 17. (Lozzi)

**Motion made by Councilor Colucci and seconded by Councilor Trahant to set down for Public Hearings.**

**Motion carried.**

## **UNFINISHED BUSINESS:**

**Motion made by Councilor Walsh and seconded by Councilor Barton to remove from the Table the Petition of Solutions Auto Body, Pablo De la Cruz, for permission for auto body shop at 606 Boston Street.**

**Motion carried.**

**Motion made by Councilor Walsh and seconded by Councilor Barton to accept the Letter of Withdrawal Without Prejudice.**

**Motion carried.**

## **COMMITTEE REPORTS:**

**Report of the May 24, 2016 Committee on Public Property and Parks Committee recommending the following to be accepted:**

Ordered that the Mayor be authorized to exercise the "Option to Extend" in the Lease Agreement between the City of Lynn and Ralph W. Sevinor, Trustee of RWS Realty Trust, for a term of five (5) years for the premises located at 424R Essex Street, Lynn,

Massachusetts for the public purpose of the City of Lynn continuing and conducting the Emergency 911 Program at said location.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to an Order that the Mayor be authorized to exercise the "Option to Extend" in the Lease Agreement between the City of Lynn and Ralph W. Sevinor, Trustee of RWS Realty Trust, for a term of five (5) years for the premises located at 424R Essex Street, Lynn, Massachusetts for the public purpose of the City of Lynn continuing and conducting the Emergency 911 Program at said location.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Ordered that the Mayor be authorized to enter into the Option Lease Agreement between the City of Lynn and Ralph W. Sevinor, Trustee of RWS Realty Trust, for a term of five (5) years for the premises located at 424R Essex Street, Lynn, Massachusetts, for the purpose of the City of Lynn continuing and conducting its Emergency 911 Program at said location and to execute any other documents that may be required by the Law Department.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to an Order that the Mayor be authorized to enter into the Option Lease Agreement between the City of Lynn and Ralph W. Sevinor, Trustee of RWS Realty Trust, for a term of five (5) years for the premises located at 424R Essex Street, Lynn, Massachusetts, for the purpose of the City of Lynn continuing and conducting its Emergency 911 Program at said location and to execute any other documents that may be required by the Law Department.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

**REPORT ACCEPTED.**

**Report of the May 24, 2016 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Transfer the sum of Two Hundred Dollars and Zero Cents (\$200.00) from the Reserve Account to the Personnel Expense Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Two Hundred Dollars and Zero Cents (\$200.00) from the Reserve Account to the Personnel Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Transfer the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) from the Excess Worker's Comp Account to the Worker's Comp Payroll Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) from the Excess Worker's Comp Account to the Worker's Comp Payroll Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Transfer the sum of Ten Thousand Dollars and Zero Cents (\$10,000.00) from the Treasurer's Expense Account to the Treasurers Payroll Overtime Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Ten Thousand Dollars and Zero Cents (\$10,000.00) from the Treasurer's Expense Account to the Treasurers Payroll Overtime Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Transfer the sum of Three Thousand Five Hundred Dollars (\$3,500.00) from the Aide to Council Expense Account to the Aide to Council Payroll Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of Three Thousand Five Hundred Dollars (\$3,500.00) from the Aide to Council Expense Account to the Aide to Council Payroll Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Transfer the sum of One Hundred Seventeen Dollars and Eighty Two Cents (\$117.82) from the Veterans Expense Account to the Veterans Bill of Prior Year Expense Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of One Hundred Seventeen Dollars and Eighty Two Cents (\$117.82) from the Veterans Expense Account to the Veterans Bill of Prior Year Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Transfer the sum of One Hundred Fifteen Thousand Eight Hundred Sixty Dollars and Zero Cents (\$115,860.00) from Police Payroll Account to the Police Expense Account.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order transferring the sum of One Hundred Fifteen Thousand Eight Hundred Sixty Dollars and Zero Cents (\$115,860.00) from Police Payroll Account to the Police Expense Account. THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following ye and nay vote:**

**11 YES 0 NO**

Certify as an "Available Fund" the amended amount of Three Thousand Dollars and Zero Cents (\$3,000.00) to the already established available fund amount of One Hundred Ten Thousand Four Hundred Twenty Eight Dollars and Zero Cents (\$110,428.00) to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) as amended for the FY16 SPED 274 Grant. Amended Grant Period 12/28/15 – 08/31/16.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amended amount of Three Thousand Dollars and Zero Cents (\$3,000.00) to the already established available fund amount of One Hundred Ten Thousand Four Hundred Twenty Eight Dollars and Zero Cents (\$110,428.00) to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) as amended for the FY16 SPED 274 Grant. Amended Grant Period 12/28/15 – 08/31/16.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following ye and nay vote:**

**11 YES 0 NO**

**ORDERED THAT** the City of Lynn hereby accepts the provisions of Massachusetts General Laws Chapter 40, §22F establishing fee schedules by municipal boards and officers.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to an Order that the City of Lynn hereby accepts the provisions of Massachusetts General Laws Chapter 40, §22F establishing fee schedules by municipal boards and officers.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

**REPORT ACCEPTED.**

**Report of the May 24, 2016 Committee on Personnel recommending the following to be accepted:**

1. Discussion re: City of Lynn's Equal Employment Opportunity Commission's (EEOC) Report.
2. **OTHER BUSINESS**

**REPORT ACCEPTED.**

**Report of the May 24, 2016 Committee on Licensing recommending the following to be accepted:**

**TAXI OPERATOR (NEW)**

Antoine, Blaise, 27 Newcastle Street- **Granted**

De Jesus, Manuel, 66 Bassett St. #42- **Granted**

De La Cruz, Wilfredo, 25 Arlington St. 3<sup>rd</sup>. Fl- **Granted w/30-60-90 Day Review**

Garcia, Eddy, 127 Hamilton Ave. - **Granted**

Lamons, Carlton, 76 Cabot St., Beverly, MA-tabled on 4/26- **Granted**

Laurino, Matthew, 19 Hancock St. – **Granted for 60 Days**

Lewis, Michael, 68A Sagamore St. #1- **Granted w/30-60-90 Day Review**

Medina, Franklin, 335 Broadway, Revere, MA – tabled on 4/26- **Granted**

Rosario, Jose, 465 Essex St. #3- **Granted**

Santos, Francisco, 25 Rogers Ave #2L- **Granted w/30-60-90 Day Review**

Sifre, Jessica, 224 Washington St. #34- **Granted**

Werner, Sandra, 14 Cross St- **Granted**

**LIVERY OPERATOR (NEW)**

Keefe, Danielle, 211 Walnut St - **Granted**

Lavoie, Candice, 12 Quincy Terr. – Deny on 4/26/2016 – no show- **Granted**

Marchenko, Dmytro, 22 Fearless Ave. - **Tabled**

**TAXI OPERATOR – 90 DAY REVIEW**

Caban, Antonio, 22 Ashton St. #2 - **DENIED**

**TAXI DISCUSSION**

182 Alley St., Robert Colucci (Tom's Car Service)

**LIVERY OPERATOR - 90 DAY REVIEW**

Deschene, Richard M., 4A Ober St., Beverly, MA- **Granted**

Laurino, Matthew, 19 Hancock St. – **Granted for 60 Days**

Pari, Matthew, 13 Ray St.#1, Swampscott, MA- **Granted**  
 Pegogaro, Joseph, 210 Lincoln St., Revere, MA - **Granted**

**SECOND HAND-ARTICLE-NEW**

42 Bennett St., Carole's Designer Closet- **Granted**

**BOWLING ALLEY-RENEWAL**

73 Buffum St., Lucky Strike Recreation Inc. - **Granted**

497 Lynnway, Lynnway Sports Center- **Granted**

**JUNK DEALER-RENEWAL**

225 Commercial St., Turner Inc. - **Granted**

1069R Western Ave, Cap's Auto Wrecking Corp- **Granted**

**SIGN LICENSE-RENEWAL**

326 Chatham St., Automotive Service- **Granted**

115 Commercial St., Pollo Royal Restaurant- **Granted**

3 Market Sq., Market Square Beverage Co. Inc. - **Granted**

28 Oakville St., McGrath Entp. - **Granted**

110 Washington St., Showcase Laundromat- **Granted**

**AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

178 Alley St. – Collision Auto Craft- **Granted**

220 Chestnut St. – Auto Body Rebuilders- **Granted**

9 Green St. – Legere Auto Body- **Granted**

**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**

87 Bennett St. – West Lynn Auto Service- **Granted**

129 Commercial St. – Ernesto Auto Repair- **Granted**

148 Fayette St. – Auto Repair of Fayette St. - **Granted**

349 Lynnway – Morgan's Garage- **Granted**

617 Lynnway – New Angle Glass Co. - **Granted**

373 Summer St. – Dianna Auto Repair- **Granted**

233 Western Ave. – Ingram's Service- **Granted**

800 Western Ave. – Henley Enterprises dba Valvoline Instant Oil Change- **Granted**

1075R Western Ave. – Guate Auto Body & Repair- **Granted**

**FLAMMABLE LICENSE – RENEWAL**

668 Chestnut St. – Cumberland Farms- **Granted**

21 City Hall Sq. – Verizon- **Granted**

59-61 Commercial St. /266-270 Summer St. – McGrath Enterprises- **Granted**

122 Liberty St. – Speedway- **Granted**

330 Lynnway – Garelick Farms- **Granted**

626 Lynnway – Garelick Farms- **Granted**

637 Lynnway – Auto Zone- **Granted**

**FLAMMABLE LICENSE – RENEWAL**

668 Chestnut St. – Cumberland Farms- **Granted**

21 City Hall Sq. – Verizon- **Granted**

59-61 Commercial St. /266-270 Summer St. – McGrath Enterprises- **Granted**

122 Liberty St. – Speedway- **Granted**

330 Lynnway – Garelick Farms- **Granted**

626 Lynnway – Garelick Farms- **Granted**

637 Lynnway – Auto Zone- **Granted**

149 Walnut St. – Richdale Convenience- **Granted**

**COIN OPERATOR MACHINE VENDOR – RENEW**

83 Broadway, Malden, MA – Action Jackson Amusements- **Granted**

**COIN OPERATED DEVICES – RENEWAL**

163 Blossom St. – Brickyard – 1 Class II- **Granted**

138 Boston St. – Imperial Buffet – 2 Class III- **Granted**

829 Boston St. – O'Brien' – 1 Class III- **Granted**

160 Franklin St. – Hogan's II – 1 Class II, 1 Class III- **Granted**

157 Lewis St. – J.D.'s Sports Bar – 1 Class III- **Granted**

800 Lynnway – Lynnway Mart – 4 Class III- **Granted**

16 Market Sq. – Lynn House of Roast Beef – 2 Class III- **Granted**

17 Market Sq. - People's Choice – 1 Class III- **Granted**

37 Market St. - Brandy Barrell – Class III- **Granted**

408 Summer St. – El Pulgarsito Restaurant – 2 Class II- **Granted**

20-36 Union St. – Rinse Cycle – 2 Class II- **Granted**

776 Washington St. – Fran's Place – 2 Class II, 2 Class III- **Granted**

822 Western Ave. – Monster Wash – 2 Class II- **Granted**

**CANNING:**

East Lynn Little League (Adults Only) – June 2, 3, 4, 2016- **Granted**

Lynn Classical Football (Adults Only) – August 15, 16, 17, 2016- **Granted**

Lynn AAU Ballerz (Adults Only) – June 23, 24, 25, 2016 - **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the May 24, 2016 Committee on Government Administration  
recommending the following to be accepted:**

1. Discussion with Representatives from Melanson Heath Accountants and Auditors regarding the city's "Auditor's Report for the Year Ended June 30, 2015".

**2. OTHER BUSINESS**

**REPORT ACCEPTED.**

**Report of the May 24, 2016 Ad Hoc Committee/Relocating of Polling Places  
recommending the following to be accepted:**

1. Discussion regarding a Proposed City Clerk/Election Modernization Ordinance/Home Rule
2. Discussion re: Polling Locations in the City of Lynn.

**3. OTHER BUSINESS**

**REPORT ACCEPTED.**

**Motion made by Councillor Colucci and seconded by Councillor Capano to adjourn.**

**Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.**

**A True Copy Attest:**

**CITY CLERK**